

IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF TEXAS
PD-0894-18

FILED
COURT OF CRIMINAL APPEALS
3/18/2019
DEANA WILLIAMSON, CLERK

VITH LOCH

§

§

VS.

§

§

§

THE STATE OF TEXAS

§

On Petition for Review of
No. 01-16-00438-CR
Court of Appeals
First District of Texas

**APPELLANT'S SECOND MOTION TO EXTEND TIME
TO FILE APPELLANT'S BRIEF ON THE MERITS**

Appellant Vith Loch moves the Court to grant a 15-day extension of time to file his brief on the merits. This motion is filed under Tex. R. App. Proc. 10.5(b)(1) and 10.5(b)(3).

TEX. R. APP. P. 10.5(b)(3) statement:

- (A) Deadline for filing: March 7, 2019
- (B) Length of extension sought: 15 days
- (C) Due to a calendaring error by counsel for the original brief deadline, Appellant's brief in this case is seriously past due. The Court graciously granted an extension of time to March 7, 2019 to file. However, despite counsel's diligent efforts to complete her client's brief by the new deadline, she is still working to finalize it.

Although counsel has spoken at the TCLDA seminar to which she referred in her previous extension motion and also has complete two other briefs, this reply brief has taken far longer than anticipated, given the substantial portion of the State's brief

that is devoted to federal immigration law, a subject with which Appellant's counsel is not very familiar. It is not ordinary busy-ness that has caused this delay.

(D) Number of previous extensions: 1

Tex. R. App. P. 10.5(b)(3) statement:

(A) Court of appeals: First Court of Appeals (Houston)

(B) Date of court of appeals judgment: July 31, 2018

(C) Case number and style: Cause No. 01-16-00438-CR, *Vith Loch v. State*

(D) Motions for rehearing or en banc reconsideration: None.

PRAYER

Appellant respectfully requests that the motion be granted and that the Court permit an extension of time until March 22, 2019 for counsel to file Appellant's brief.

Respectfully submitted,

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Chief Public Defender
Harris County Texas

/s/ Cheri Duncan

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CERTIFICATE OF SERVICE

I certify that a copy of Appellant's Second Motion to Extend Time to File Brief was served electronically on the Appellate Division of the Harris County District Attorney's Office and the State Prosecuting Attorney on March 18, 2019.

/s/ Cheri Duncan

CHERI DUNCAN